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competition with private insurers. This naturally required both skilled underwriting experience and delicate management, so as not to demoralize the underwriting market. It is pleasant to read from Mr. Winter, as from one who might have stood as an adverse critic, that: "The government war insurance schemes were therefore welcomed by the underwriting fraternity, and their conduct was entrusted to some of the ablest underwriters in the various countries" (p. 279). Happily, this led to a rare and exceptional outcome of governmental activity in a new field. In the United States the bureau apparently has proved profitable to the government, without injurious effects to the commercial insurer.

The author also touches on the subject of General Average, and considers the recurring suggestion that later maritime developments might perhaps do away with this intricate detail in fixing the final incidence and apportionment of losses. From a legal and theoretical standard such a dropping of the final settlement would leave the actual situation of the interest involved at very loose ends. The general average adjustment generally affects the insurers. But it applies also to all the associated interests, both insured and uninsured, in the common adventure, who have shared in the common peril or incurred sacrifices to which others should contribute. Not to have this concluding adjustment would leave the parties with rights denied satisfaction, and might lead to resort to courts instead of to this ancient remedy through adjustment by experts. But Mr. Winter also brings up a very practical consideration to reinforce the legal side of the question. This is that the law of general average has had "a salutary effect in preventing the unnecessary destruction of property through jettison, or otherwise to save vessels in positions of peril" (p. 300). Any attempt at a substitute for it seems remote and speculative under conditions of private ownership of vessels and cargoes.

In the appendix are printed various standard insurance and average forms with the text of the British Marine Insurance Act of 1906, followed by the Gambling Policies Act of 1909, with our Harter Act of 1893, and the York-Antwerp Rules of 1890. The book is well indexed. It should find place in both professional and business libraries.

HARRINGTON PUTNAM.

NEW YORK.

BUSINESS LAW, AN ELEMENTARY TREATISE. By Alfred W. Bays. New York: The Macmillan Company. 1919. pp. ix, 311. 8vo.

BUSINESS LAW, A TEXT-BOOK FOR SCHOOLS OF BUSINESS ADMINISTRATION. By Thomas Conyngton and Louis O. Bergh. New York: The Ronald Press Company. 1920. pp. xix, 431. 8vo.

Every year since the opening of the twentieth century has witnessed the production of from two to half a dozen books on business law intended for the use of business students. Though they differ widely in their power for mischief — for the little information they give the layman is certainly a dangerous thing — all of them have a certain family resemblance, which begins to be apparent in the titles and runs through the prefaces, tables of contents, mechanical features and style, down to the very end of the index. A word on some of these features as exemplified in two of the latest, and on the whole two of the best, of these texts may be suggestive to the lawyer as well as to the teacher of business law.

The title "Business Law" seems to have entirely superseded the older "*Lex Mercatoria*," of which Malynes (1622) and Bewes (1751) are the exponents, as well as the later "Mercantile Law," on which John William Smith's *Compendium* (1834) was the best known, and "Commercial Law" the popular title of

most of such books in the latter half of the nineteenth century. It may be stressing a point unduly to see reflected in these titles fundamental changes in the whole outlook of the authors on their subjects. But it is a fact that they are no longer dealing with the law of a particular class in the community, as they did in Holt's day, nor with a distinct part of the law on which the marks of a foreign brand are still discernible, as they did after Mansfield's death, nor even with the law governing a particular type of pursuit of constantly increasing importance, — commerce. They attempt to deal with every kind of transaction that has a place in the economic world. In other words, they attempt to summarize practically the entire field of law. At least it would be easier to enumerate the omissions, such as family law and certain phases of criminal law, than to enumerate the inclusions. Hence, all of the better written of these books begin with an apology and end by making a more or less arbitrary selection of legal rules and principles from text-books on every branch of the law. The two most recent books attempt to cover Contracts, Agency, Sales, Negotiable Instruments, Corporations, Partnership, Property. That of Conyngton and Bergh adds chapters of Insurance, Suretyship and Bankruptcy as well as twenty pages of highly explosive "forms" not sufficiently labeled with danger signs. Within each of the subjects the books differ widely in the topics chosen for elucidation. Yet if we consider the widely different histories of these books their agreement so far as it goes, in the selection of topics is quite significant. Mr. Bays' book comes from the pen of a teacher of experience who has already given us a whole series of books on the topics covered as well as the most pretentious case book on the subject that has so far appeared. (It is interesting that the case method is being widely used in the teaching of business law. Besides Mr. Bays' book, those of Reed, Pierson and Callender and Huffcut and Woodruff [Contracts] are being used.) The other book is a condensation, or rather an adaptation, of a work that appeared a few years ago as a manual for businessmen rather than a schoolbook. A glance at the scope of the other works of this type — they are all collected in *The Journal of Political Economy*, volume xxiii, 529 ff., and volume xxviii, 113 ff. — shows a gradual approximation, not without some queer deviations, to the scope of these books.

The significance of the trend of these books seems to be this: that the writers while ostensibly piecing together bits of a lawyer's library for a business man, are unconsciously doing a far more important piece of work. They are analyzing business relations and bringing together the raw material for a study of how the law affects or serves business. Such studies come tantalizingly near to furnishing a real contribution to jurisprudence, but they stop short. May we not expect some such service eventually from our graduate schools of business administration? It is only by subjecting the actual workings of business to a scientific analysis that we can hope to understand just how the law works or fails to work in life.

NATHAN ISAACS.

THOUGHTS ON THE UNION BETWEEN ENGLAND AND SCOTLAND. By A. V. Dicey and R. S. Rait. New York: The Macmillan Company.

This book is an interesting example of the light that can be thrown by legal analysis upon some of the central problems of political science. It has all the characteristic marks of Professor Dicey's work — a superb clarity, a positive instinct for the essentials, and a command of the relevant materials that is in a high degree enviable. The authors have set out to examine the causes of the success which attended the Legislative Union of 1707. It is an interesting problem. Few nations have had a history more full of rivalry and warfare than the partners to that famous compact. From the bitterness of the past, from sepa-